

ZONING BOARD OF APPEALS

Tuesday, July 15, 2008
6:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members: Alice Howard
Aaron Magdziarz
Julio Salgado
Alicia DiBenedetto
Craig Sockwell
Scott Sanders
Dan Roszkowski

Absent:

Staff: Todd Cagnoni – Manager of Current Planning
Sandra Hawthorne – Administrative Assistant
Jennifer Cacciapaglia– City Attorney
Jon Hollander – City Engineer, Public Works
Mark Marinaro - Fire Prevention Division
Reid Montgomery – Director, Community and Economic Development

Others: Kathy Berg, Stenographer
Applicants and Interested Parties

The meeting started at 7:05 P.M. A **MOTION** was made by Alicia DiBenedetto to **APPROVE** the minutes of the June 17, 2008 meeting as submitted. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 7-0.

004-08 Applicant Ward 1	<u>175 Executive Parkway</u> First Rockford Group Variation to increase maximum freestanding business sign height to 30 feet Variation to increase sign area to 320 square feet in the C-2, Commercial Community District Laid Over from February, March, April, May & June meetings
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Prior to the meeting a written request was received from the Applicant that this item be Withdrawn.

023-08 Applicant Ward 5	<u>47XX South Main Street</u> Pastor Brad Hampton / Faith Center Zoning Map Amendment from I-1, Light Industrial District to C-3, General Commercial District Laid Over from May meeting
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Prior to the meeting, a written request was received from the Applicant that this item be Withdrawn.

024-08 **4871 East State Street**
Applicant Cheryl Saladino
Ward 14 **Zoning Map Amendment** from C-2, Limited Commercial Zoning District to C-3, General Commercial Zoning District
Special Use Permit for a Sexually-Oriented Business of bookstore and video store including retail sales of videos, toys, skin care products, and lingerie
Special Use Permit for a Sexually-Oriented Business of nude modeling in a C-3, General Commercial Zoning District
Laid Over from May meeting

Prior to the meeting, a written request was received from the Applicant that this item be Withdrawn

031-08 **22XX & 2601 N. Bell School Rd**
Applicant Attorney Russ Anderson / Spring Creek Development Company
Ward w/b 1 **Annexation Agreement and Zoning Map Amendment** from County AG to City C-3, General Commercial District for Parcel I and II
Special Use Permit for a Planned Unit Development consisting of retail, professional office, and medical buildings for Parcel I (40.50 acres) in a C-3, General Commercial District
Laid Over from June meeting

Prior to the meeting, a request was received from the Applicant to Lay Over this item to the August 19th meeting.

A **MOTION** was made by Dan Roszkowski to **LAY OVER** the Annexation Agreement and Zoning Map Amendment from County AG to City C-3, General Commercial District for Parcel I and II; and **LAY OVER** the Special Use Permit for a Planned Unit Development consisting of retail, professional office, and medical buildings for Parcel I (40.50 acres) in a C-3, General Commercial District at 22XX and 2601 North Bell School. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 7-0.

032-08 **3465 American Road; 50XX-51XX Sandy Hollow Road**
Applicant Robert Stenstrom
Ward 14 **Special Use Permit for a Planned Unit Development** to exclude sidewalks as required in the Subdivision Ordinance in an I-1, Light Industrial District

The subject property consists of 22.04 acres and is located on the northwest corner of American Road and Sandy Hollow Road and is lots 1 and 2 of Stenstrom Industrial Park. Lot 1 is approximately 6 acres and is currently vacant. Lot 2 is approximately 16 acres and is currently under development of Dayton Freight. Robert Stenstrom, Applicant, reviewed the request for Special Use Permit. He presented a large aerial of surrounding developments that had incurred without sidewalks. Mr. Stenstrom stated sidewalks in this development are never going to go any place. He further stated this property is the last to develop in this area, and no other developments have sidewalks. In July, 2007, Mr. Stenstrom did agree as part of this development, to provide an easement along the north end of the property for sanitary sewer.

Staff Recommendation was for Denial. No Objectors were present.

Mr. Cagnoni explained to the Board that sidewalk requirements were in effect decades ago. The Subdivision Ordinance was revised in 2007 and a portion of that revision was the Waiver ordinance for sidewalks. By this process, the Applicant has applied for the waiver as specified in the new Subdivision Ordinance. He further stated Rockford Area Transportation Study did a study regarding pedestrian systems and Sandy Hollow Road was specified as a good location, although of moderate priority at this time.

During discussion, Mr. Sanders noted sidewalks have been waived in all other locations surrounding this area. He agreed with the Applicant that if sidewalks were required they would go nowhere and RATS pedestrian priority has been classified as low.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a Planned Unit Development to exclude sidewalks as required in the Subdivision Ordinance in an I-1, Light Industrial District at 3465 American Road and 50XX-51XX Sandy Hollow Road. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

ZBA 032-08
Findings of Fact for a Special Use Permit for a Planned Unit Development
To Exclude Sidewalks as Required in the Subdivision Ordinance
In an I-1, Light Industrial District at
3465 American Road and 50XX-51XX Sandy Hollow Road

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. Rockford Area Transportation Study has classified pedestrian priority as low in this industrial area.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district. The surrounding industrial developments do not have sidewalk infrastructures.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the I-1 Zoning District in which it is located.

033-08 **1537 Broadway**
Applicant Antoni Kurzac
Ward 11 **Special Use Permit** for a motor vehicle repair shop
 Special Use Permit for auto tire sales in a C-4 Urban Mixed Use Zoning District

The subject property is located on the southwest corner of Broadway and 11th Street and has had similar uses in the past. Dick Hynes and James Perteete, Century 21, were present. Dick Hynes, representing the Applicant, reviewed the requests. He explained the Applicant wishes to change the use from auto sales to auto repair shop with tire sales.

Staff Recommendation was for Approval with 8 conditions. No Objectors were present.

Mr. Sanders asked what the use of the building across from this property was. Mr. Perteete explained this was a 1 story building currently in business as a bar.

A **MOTION** was made by Dan Roszkowski to **APPROVE** the Special Use Permit for a motor vehicle repair shop; and to **APPROVE** the Special Use Permit for auto tire sales in a C-4, Urban Mixed Use Zoning District at 1537 Broadway. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.

2. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval.
3. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
4. Site plan showing dumpster enclosure and material that must be approved by Staff.
5. Disposal and storage of materials must follow the Illinois Environment Protection Agency guidelines.
6. There shall be no overnight outdoor storage of vehicles on the property.
7. There shall be no vehicle sales on the property.
8. All conditions must be met prior to establishment of use.

ZBA 033-08
Findings of Fact for a Special Use Permit
For Motor Vehicle Repair Shop
Consisting of Auto Tire Sales, Installation, and Repair
In a C-4, Urban Mixed-Use Zoning District at
1537 Broadway

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-4 Zoning District in which it is located.

034-08 3500, 3516 and 3518 Preston Street
Applicant Vonda K. Moore / Liberty Baptist Church
Ward 13 **Special Use Permit** for a church and related uses for a building addition and parking lot
 expansion in an R-1, Single-Family Residential District

The subject property consists of three parcels located at the southwest corner of the intersection of Preston Street and Concord Avenue and is currently a church and church related activities. The Applicant proposes to expand the parking lot and construct three additions on the west and south of the existing church. Vonda Moore, Bevlyn Weston, and Pastor Herbert Johnson were present. Ms. Moore reviewed the request for Special Use Permit. Ms. Weston stated they are also wanting to improve the area around their church, much as the city has improved the neighborhood.

Staff Recommendation was for Approval with 6 conditions. No Objectors were present.

One individual wished clarification on the adjacent property letter she received. Sallie Bruce, 3501 Preston asked how this related to her property. Mr. Cagnoni explained the property covered by the application in relationship to the location of her property and presented her a copy of the map clarifying the subject property in proximity to her property.

Mr. Cagnoni further explained that the size of the proposed building size is generally decided. Staff feels the parking lot circulation will work because there is available green space. Parking is sufficient for the proposed addition. 81 parking spaces are recommended by Staff and the Applicant indicated they will comply. The landscaping buffer can be reduced and still be effective. Mr. Cagnoni further explained that as the plan progresses, adequate circulation can be included for emergency vehicles. Right-Of-Way encroachments have not been completed as of yet, but Staff feels confident that this can be achieved.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for a church and related uses for a building addition and parking lot expansion in an R-1, Single-Family Residential District at 3500, 3516 and 3518 Preston Street. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Submittal of a civil plan for staff review and approval.
2. Submittal of a landscaping plan, including size and botanical name of species for staff review and approval.
3. Submittal of elevation drawings for staff review and approval.
4. Compliance with the public works requirements.
5. Meeting all applicable building and fire codes.
6. Shall combine the three subject parcels into one.

ZBA 034-08
Findings of Fact for a Special Use Permit
For a Church and Related Uses for a Building Addition
and Parking Lot Expansion
In an R-1, Single-Family Residential District at
3500, 3516, 3518 Preston Street

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The church is already established and operating on the subject property and the proposed building additions and parking lot expansion would not be injurious to the use and enjoyment of other property.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided. The church will continue to use the existing access drives along Concord Avenue and use two access drives from Preston Street.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the R-1, Single-family Residential District Zoning District in which it is located.

035-08

Applicant
Ward 3

1502 Parkview Avenue

Mark Carlson / Sinnissippi Development LLC

Special Use Permit for Planned Unit Development consisting of 18 condominiums and a church in an R-1, Single-family Residential District

The subject property is located on the west side of Parkview Avenue, adjacent to the Sinnissippi Golf Course. Dick Hynes, Architect and Kurt Carlson were present. Mr. Hynes reviewed the request. This property was granted a Special Use Permit in 2005 for construction of (1) two-story building for medical office use. The permit had expired and another Special Use Permit for the same request was granted in January of this year. He explained that in the originally concept, Rockford School of Medicine was planning an expansion and the original Special Use Permit was based on them using the subject property. This development has not occurred with the exception of the parking lot and detention pond and the Applicant is now proposing a different use requiring a Special Use Permit for a Planned Unit Development. The Applicant wishes to develop a small condominium complex with a view of the golf course. One building will consist of 16 units and 16 one-car garages, and an additional building with two dwelling units will be developed to the east of the parking area. Mr. Carlson stated One in Christ Church now occupies the existing building. Dick Hynes feels the detention pond has been very successful eliminating flooding conditions in this area.

Staff Recommendation was for Approval with 4 conditions. No Objectors were present. One letter of Objection was received from Bill Moore, 1603 Maplewood Drive. In this letter dated July 14th, Mr. Moore expressed concerns that the proposed buildings would block the view from his house and deck; the proposed density of dwelling units did not fit in with the neighborhood of single-family homes, drainage issues; and the removal of mature oak trees. He further stated the trees which were removed for the latest project were not replaced as planned and approved.

Tim Bragg, representing the Rockford Park District as adjacent property owners was present. Although not an Objector, the Rockford Park District would like to see plans for a tree preservation program and asked that this be worked out with Staff.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a Planned Unit Development consisting of 18 condominiums and a church in an R-1, Single-family Residential District at 1502 Parkview Avenue. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a landscaping plan, tree preservation plan and illumination plan for staff's review and approval prior to issuance of a building permit.
3. Submittal of a civil site plan including a detention area which may require modifications due to change to the site for staff review and approval.
4. Submittal of condominium regulations for staff review and approval.

ZBA 035-08
Findings of Fact for a Special Use Permit
For a Planned Unit Development
Consisting of 18 Condominiums and Church
In an R-1, Single-Family Residential District at
1502 Parkview Avenue

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.

2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

036-08 **Zoning Text Amendments**
Applicant City of Rockford Legal Department
 Amendments to City of Rockford Zoning Ordinance

Todd Cagnoni, representing the City, reviewed the request for Zoning Text Amendments. He explained these were minor amendments to the revised Ordinance dated April 3, 2008. After having the opportunity of working under the new Ordinance for a few months, Staff feels there are some minor areas that could be improved upon for clarification. The goal is to have these revisions approved by August 1 of this year, as this is the date the old Ordinance becomes extinct.

A **MOTION** was made by Dan Roszkowski to **APPROVE** the Amendments to City of Rockford Zoning Ordinance as presented. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0. Amendments to read as attached to this report.

019-08 **7801 East State Street**
Applicant Rapid Graphics & Signs
Ward 1 **Special Use Permit** for an on-premise electronic graphic display sign that exceeds the allowable 36 square feet to 136.5 square feet
 Special Use Permit to allow an additional free-standing sign
 Variation to increase the allowable height of a free-standing sign from eight (8) feet to sixty-six and one half (66 ½) feet along Interstate 90 in a C-3, Commercial General Zoning District
 Referred back to ZBA from City Council Codes & Regulations Committee

Prior to the meeting, a written request was received from the Applicant requesting that this item be Laid Over to the August meeting.

A **MOTION** was made by Dan Roszkowski to **LAY OVER** the Special Use Permit for an on-premise electronic graphic display sign that exceeds the allowable 36 square feet to 136.5 square feet; the Special Use Permit to allow an additional free-standing sign; and the Variation to increase the allowable height of a free-standing sign from eight (8) feet to sixty-six and one half (66 ½) feet along Interstate 90 in a C-3, Commercial General Zoning District at 7801 East State Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 7-0.

With no further business to come before the Board, the meeting was adjourned at 8:30 pm.

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Zoning Board of Appeals